



June 19, 2008

David Lawes, P.E.  
David A. Lawes Engineering, Inc.  
PO Box 539  
Barton, VT 05822

**Jurisdictional Opinion #7-259**

RE: Request for Jurisdictional Opinion Received on June 5, 2008 from David Lawes  
Wastewater System Project, Char-Bo Campground, Derby  
Act 250 Permit #7R0397 and Amendments

Dear David,

As requested, I am writing regarding the above-referenced project to provide my opinion regarding Act 250 jurisdiction.

I note that the proposed project generally consists of construction of onsite wastewater system improvements pursuant to a portion of a design plan that was permitted by the Agency of Natural Resources. Further, the proposed improvements would replace existing on site systems / components, and would principally serve existing previously permitted RV sites. Thank you for your submittals dated June 2, 2008 and June 12, 2008, including the requested highlighted engineering site plan which depicts the specific scope of improvements in yellow. Reference is hereby made to these submittals for a more detailed project description.

The project as identified in the above-referenced submitted documents is not a *material change* to the previously permitted #7R0397 (and amendments) development pursuant to Natural Resources Board Rule 2(c)(6), providing construction is completed pursuant to the below erosion prevention / sediment control standard, or better:

*The Permittee shall comply with the **Low Risk Site Handbook for Erosion Prevention and Sediment Control** of the Agency of Natural Resources. The Permittees shall prevent the transport of any sediment beyond that area necessary for construction approved herein. All erosion control devices shall be periodically cleaned, replaced and maintained until vegetation is permanently established on all slopes and disturbed areas.*

I conclude that, providing the project is completed pursuant to the above standard, or better, an Act 250 permit is not required.

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Thank you for inquiring about permit requirements under Act 250. Please feel free to call me if you have any questions, or if your client would like our office to issue this determination to other potentially interested persons, pursuant to 10V.S.A § 6007 (c).

Sincerely

Kirsten Sultan, P.E., Coordinator  
District #7 Environmental Commission

c: District Commission  
Todd and Cindy Willis

*This is a jurisdictional opinion issued pursuant to 10 V.S.A. § 6007(c) and Act 250 Rule 3(A). Reconsideration requests are governed by Act 250 Rule 3(B) and should be directed to the district coordinator at the above address.*

*Any appeal of this decision must be filed with the clerk of the Environmental Court within 30 days of the date of issuance, pursuant to 10 V.S.A. Chapter 220. The appellant must attach to the Notice of Appeal the entry fee of \$225.00, payable to the State of Vermont. The appellant must also serve a copy of the Notice of Appeal on the Natural Resources Board, National Life Records Ctr. Bldg., Drawer 20, Montpelier, VT, 05620-3201, and on other parties in accordance with Rule 5(b)(4)(B) of the VRECP.*

*For further information, see the Vermont Rules for Environmental Court Proceedings, available on line at [www.vermontjudiciary.org](http://www.vermontjudiciary.org). The address for the Environmental Court is: Environmental Court, 2418 Airport Rd., Suite 1, Barre, VT 05641-8701. (Tel. #802-828-1660).*

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